

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

In the matter of the appointment of a)	
trustee for the next of kin of Elden E.)	Civil No. _____
Sievert, decedent.)	
)	NOTICE OF REMOVAL OF
)	ACTION TO UNITED STATES
)	DISTRICT COURT

Defendant, United States of America, on behalf of its agency the Centers for Medicare and Medicaid Services (the “United States” or “CMS”), by their attorney, the United States Attorney for the State and District of Minnesota, hereby gives notice to Plaintiff and to the State Court as follows:

1. Defendant, United States of America, on behalf of its agency the Centers for Medicare and Medicaid Services (“United States” or “CMS”), the federal agency that administers the Medicare program, is a party in a civil action now pending in the Hennepin County District Court, in the State of Minnesota, In the matter of the appointment of a trustee for the next of kin of Elden Sievert, decedent, and that trial has not yet been had therein.

2. The above-entitled action was commenced against CMS by receipt of a copy of the Notice of Hearing, the Amended Petition for Distribution of Money Recovered Under Minn. Stat. § 573.02, and related papers deposited in the United States Mail on or about February 25, 2011 and received in the United States Attorney’s Office

for the District of Minnesota on February 28, 2011. Copies of all process and pleadings received by the United States are attached hereto as Exhibit A.

3. This notice of removal is filed pursuant to Title 28, United States Code, Sections 1441, 1442, and 1446, said action in the State Court commenced against CMS, an agency of the United States, being a civil action to discharge monies owing to CMS and the United States for monies paid by CMS for medical services rendered to a decedent.

4. The United States files herewith a copy of all process, pleadings, and orders received by the United States in this action.

WHEREFORE, notice is hereby given that the said action is removed from the state court into this Court for trial or such other determination as this Court may make regarding the action in accordance with its jurisdictional limits under Title 28, United States Code, Sections 1441, 1442, and 1446.

Dated: March 29, 2011

B. TODD JONES
United States Attorney

s/Friedrich A. P. Siekert

BY: Friedrich A. P. Siekert
Assistant U.S. Attorney
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Attorneys for Medicare (CMS)

STATE OF MINNESOTA)
) ss. AFFIDAVIT
COUNTY OF HENNEPIN)

Friedrich A. P. Siekert, being duly sworn, deposes and says that he is an Assistant United States Attorney for the District of Minnesota and the United States of America, on behalf of its agency the Centers for Medicare & Medicaid Services (the “United States” or “CMS”) named herein; that he has read the foregoing notice and knows the contents thereof; that the same is true of his own knowledge, except as to any matters stated therein on information and belief, and as to those matters he believes them to be true.

Friedrich A. P. Siekert
Assistant United States Attorney

Subscribed and Sworn to before me

this _____ day of _____, 2011.

NOTARY